

[4910-13]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Chapter 1

Docket No. FAA-1999-6342

Occupational Safety and Health Issues for Airline Employees

AGENCY: Federal Aviation Administration (FAA), DOT

ACTION: Notice of public meeting and request for comments

SUMMARY: The FAA prescribes and enforces standards and regulations affecting occupational safety and health with respect to U.S.-registered civil aircraft in operation. These regulatory responsibilities directly and completely encompass the safety and health aspects of the work environment of aircraft crewmembers. However, the FAA has not promulgated specific regulations that address all employee safety and health issues associated with working conditions on aircraft. The FAA will hold a public meeting on December 10, 1999, to gather information on issues that have not been previously regulated. If the results of the review suggest that specific regulations should be adopted in response to occupational safety and health issues for airline employees, the changes will be proposed through the regulatory process.

DATES: The public meeting will be on December 10, 1999, in Washington, DC. The meeting will begin at 9 a.m. Persons

not able to attend a meeting are invited to provide written comments, which must be received on or before March 8, 2000.

ADDRESSES: The public meeting will be held at the Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591 in the 3rd floor auditorium. Persons unable to attend the meeting may mail their comments in duplicate to: U.S. Department of Transportation Dockets, Docket No. FAA-1999-6342, 400 Seventh Street, SW., Plaza Room 401, Washington, DC 20590. Comments also may be sent electronically to the Dockets Management System (DMS) at the following Internet address: <http://dms.dot.gov/> at anytime. Commenters who wish to file comments electronically, should follow the instructions on the DMS web site. Comments may be filed and/or examined at the Department of Transportation Dockets, Plaza Room 401 between 10 a.m. and 5 p.m. weekdays except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Requests to present a statement at the meeting or questions regarding the logistics of the meeting should be directed to Ms. Cindy Nordlie, Federal Aviation Administration, Office of Rulemaking, ARM-108, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-7627; fax (202) 267-5075.

Questions concerning the subject matter of the meeting should be directed to Mr. Gene Kirkendall, Federal Aviation

Administration, Flight Standards Service, AFS-220, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-7701; fax (202) 267-5229.

SUPPLEMENTARY INFORMATION:

Background

In a 1975 Federal Register notice (40 FR 29114, July 10, 1975), the Federal Aviation Administration (FAA) stated that pursuant to its complete and exclusive responsibility for the regulation of the safety of civil aircraft, the FAA prescribes and enforces standards and regulations affecting occupational safety or health with respect to U.S.-registered civil aircraft in operation. (An aircraft was described as "in operation" from the time it is first boarded by a crewmember, preparatory to a flight, to the time the last crewmember leaves the aircraft after completion of that flight, including stops on the ground during which at least one crewmember remains on the aircraft, even if the engines are shut down.) The FAA added that, with respect to civil aircraft in operation, these regulatory responsibilities directly and completely encompass the safety and health aspects of the work environment of aircraft crewmembers. The FAA stated that aircraft design and operational factors are indivisible from occupational safety or health factors insofar as they affect the workplace of those crewmembers and that aircraft design

and operational problems affecting the flight safety of crewmembers necessarily affect their occupational safety or health. The FAA also noted that regulatory solutions to these problems necessarily involve practices, means, methods, operations, or processes needed to control the workplace environment of aircraft crewmembers.

In the notice, the FAA stated that it had issued numerous regulations directly affecting the workplace of pilots, flight engineers, flight attendants, and other persons whose workplace is on an aircraft in operation. Such regulations included aircraft performance and structural integrity, safety equipment for emergency ditching and evacuation, fire protection, protective breathing rescue aids, and emergency exits used by crewmembers. Other regulations affecting the crewmember workplace have addressed cockpit lighting, crewmember seat belts, toxicity and other characteristics of materials in the crewmember workplace, noise reduction, smoke evacuation, ventilation, heating, and pressurization.

The FAA is now reviewing its regulatory oversight of occupational safety and health issues for airline employees. If the results of the review suggest that specific regulation of areas involving occupational safety and health issues is appropriate for airline employees, the changes would be proposed through the regulatory process.

The FAA considered a number of alternative approaches to occupational safety and health concerns. During a preliminary review, the FAA considered delegating certain areas of responsibility to the Occupational Safety and Health Administration (OSHA), similar to what was developed by the Federal Railroad Administration in 1978. However, the FAA has determined that this would be impractical for several reasons including: (1) State OSHA requirements can be more protective than Federal OSHA requirements and can vary among states, resulting in multiple standards; (2) current OSHA requirements were not developed for aircraft in operation; and (3) OSHA's jurisdiction is limited to the United States and therefore would not apply to international operations. The FAA also considered voluntary programs by airlines, but questions whether voluntary programs would be adequate because there would not be standardization among the airlines regarding occupational safety and health issues.

Specific Issues for Public Comment

There are several specific issues on which the FAA seeks comment at the public meeting. These key issues are intended to help focus public comments on areas about which information is needed by the FAA in completing its review of the occupational safety and health issues for airline employees. The comments at the meeting need not be limited

to these issues, and the FAA invites comments on any other aspect of occupational safety and health on aircraft in operation.

- (1) Are there specific crewmember occupational safety and health concerns? If so, what are they?
- (2) What recordkeeping data is available that documents injuries and illnesses related to crewmember and other employee occupational safety and health concerns? Should recordkeeping be standardized?
- (3) How are aviation employees other than crewmembers (such as ground service employees and maintenance workers) currently protected by FAA regulations, and should the working conditions of these employees be included in possible future rulemaking? Should the FAA modify its rules about maintenance manuals?
- (4) Describe how occupational safety and health hazards vary when the aircraft is airborne versus when it is on the ground.
- (5) Are there any safety issues related to operations on airport ramp areas that the FAA should address?
- (6) In the development of its own occupational safety and health standards, what, if any, OSHA standards

should the FAA use as the basis for future FAA standards?

- (7) What procedures should be established to identify and remedy issues not addressed by OSHA regulations?
- (8) Are any air carriers currently supporting occupational safety and health programs for their employees? If so, what do the programs include?
- (9) What are the potential impact and implementation problems associated with the FAA developing occupational safety and health standards to protect airline employee safety and health?

Input is encouraged from government agencies such as OSHA, the Environmental Protection Agency, the National Institutes for Occupational Safety and Health, and the Centers for Disease Control and from advisory groups such as the American Industrial Hygiene Association and the American Society for Safety Engineers.

Participation at the Meeting

Requests from persons who wish to present oral statements at the meeting should be received by the FAA no later than November 22, 1999. Such requests should be submitted to Cindy Nordlie, as listed above in the section titled **"FOR FURTHER INFORMATION CONTACT"** and should include

a written summary of oral remarks to be presented and an estimate of time needed for the presentation. The FAA will prepare an agenda of speakers that will be available at the meeting. The names of those individuals whose requests to present oral statements are received after the date specified above may not appear on the written agenda. To accommodate as many speakers as possible, the amount of time allocated to each speaker may be less than the amount of time requested. Persons requiring audiovisual equipment should notify the FAA when requesting to be placed on the agenda.

Public Meeting Procedures

The FAA will use the following procedures to facilitate the meeting:

(1) There will be no admission fee or other charge to attend or to participate in the meeting. The meeting will be open to all persons who are scheduled to present statements or who register between 8:30 a.m. and 9 a.m. on the day of the meeting. While the FAA will make every effort to accommodate all persons wishing to participate, admission will be subject to availability of space in the meeting room. The meeting may adjourn early if scheduled speakers complete their statements in less time than is scheduled for the meeting.

(2) An individual, whether speaking in a personal or a representative capacity on behalf of an organization, may be limited to a 10-minute statement. If possible, we will notify the speaker if additional time is available.

(3) The FAA will try to accommodate all speakers. If the available time does not permit this, speakers generally will be scheduled on a first-come-first-served basis. However, the FAA reserves the right to exclude some speakers if necessary to present a balance of viewpoints and issues.

(4) Sign and oral interpretation can be made available at the meeting, as well as an assistive listening device, if requested 10 calendar days before the meeting.

(5) Representatives of the FAA will preside over the meeting. A panel of FAA personnel involved in this issue will be present.

(6) The meeting will be recorded by a court reporter. A transcript of the meeting and any material accepted by the FAA representatives during the meeting will be included in the public docket. Any person who is interested in purchasing a copy of the transcript should contact the court reporter directly. Additional transcript purchase information will be available at the meeting.

(7) The FAA will review and consider all material presented by participants at the meeting. Position papers or material presenting views or arguments related to the

occupational safety and health of crewmembers may be accepted at the discretion of the presiding officer and subsequently placed in the public docket. The FAA requests that persons participating in the meeting provide six copies of all materials to be presented for distribution to the FAA representatives; other copies may be provided to the audience at the discretion of the participant.

(8) Statements made by FAA representatives are intended to facilitate discussion of the issues or to clarify issues. Any statement made during the meeting by an FAA representative is not intended to be, and should not be construed as, a position of the FAA.

(9) The meeting is designed to solicit public views and gather additional information on the occupational safety

and health of crewmembers and other issues discussed in this notice. Therefore, the meeting will be conducted in an informal and non-adversarial manner. No individual will be subject to cross-examination by any other participant; however, FAA representatives may ask questions to clarify a statement and to ensure a complete and accurate record.

Issued in Washington, DC on October 4, 1999.

/s/ Margaret Gilligan

Deputy Associate Administrator for
Regulation and Certification